

REMARKS

The applicant thanks examiners Bhattacharya and Eng for the telephonic interview with the applicant's representatives Misha K. Hill and David L. Feigenbaum on October 10, 2007. The representatives and examiners discussed the application of the Schmutz reference to the claims, and the representatives agreed to amend the claims as indicated above.

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

2. Claims 1, 2, 5-14, 16, 17, 19, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (U.S. Patent 6,262,980) in view of Schmutz et al, (US 2001/0004592).

As to claim 1 ...

Leung fails to specifically disclose temporarily reducing transmission power on a forward link in the second sector, the reducing of the transmission power being dynamically determined based on a determination of a current state of transmissions to one or more users in the second sector, each of the one or more users in the second sector being in communication with the communication system only via the second sector.

However, in an analogous art, Schmutz teaches a sectorized cell in which transmission power is temporarily reduced on a forward link in a sector, the reducing of the transmission power being dynamically determined based on a determination of a current state of transmissions to one or more users in the sector, each of the one or more users in the second sector being in communication with the communication system only via the sector. See FIG. 1, paragraph 12, lines 1-3, paragraph 14, lines 1-10, paragraph 23, lines 1-18 and paragraph 37, lines 1-11.

Claim 1 has been amended to remove "temporary" as to the power reduction and to include "at a later time, increasing the transmission power." Schmutz describes a change to the infrastructure of a cell to convert a non-sectorized cell to a sectorized cell (§0025). This change happens to use "lower power transmitters," but the power reduction is part of the network infrastructure (see §§ 0014, 0037). Schmutz describes a "lower" power system, but it does not describe and would not have made obvious "dynamically reducing" and later "increasing" power.

Claims 16 and 19 have been amended and are patentable for at least similar reasons as claim 1. All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Enclosed is an \$230.00 check for the Petition for Extension of Time fee and a \$405.00 for the Request for Continued Examination fee. Please apply any other charges or credits to deposit account 06-1050, referencing 12144-009001.

Respectfully submitted,

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